

SN 10/512,097

Responsive to Action  
dated 07/26/2006

<b>REQUEST FOR RECONSIDERATION</b>	Application #	10/512,097
	Confirmation #	9110
	Filing Date	May 17, 2005
	First Inventor	SIMONSEN
	Art Unit	1653
	Examiner	Hamidinia, Shawn A.
	Docket #	P08422US00/MP

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

S I R:

In response to the Office Action mailed July 26, 2006, Applicant submits the following Request for Reconsideration.

Claims 1-6 stand pending, but rejected, in the present application. Applicant respectfully requests that the rejection to the claims be reconsidered and found allowable based on the discussion which follows.

Claims 1-5 were rejected under 35 U.S.C. § 102(b) as being anticipated by Lilja et al. (hereinafter "Lilja") and under 35 U.S.C. § 103(a) as being obvious over Lilja in view of Haack et al. (hereinafter "Haack").

Contrary to the Examiner's rejection, Lilja fails to teach or suggest a defatting process using hot water or steam, as claimed and disclosed, as one of ordinary skill in the art would understand a defatting process to be. Reference is made to the present specification for exemplary purposes only, which clearly teaches that defatting using steam or hot water melts off the fat from the rind. Further, the present use of the term "defatting" is consistent with how this term would be understood by one of ordinary skill in the art. See, e.g., U.S. Patent No. 2,748,152, which is cited on page 1 of the present specification.

SN 10/512,097

Responsive to Action  
dated 07/26/2006

In sharp contrast to the present invention's defatting step, Lilja discloses an optional defatting process. Therefore, contrary to the Examiner's assertion that the slurry forming step of Lilja is equivalent to the claimed defatting process of Lilja (Office Action, page 3, second paragraph), the slurry produced from hot water results in a solid residue being separated, which is presumably bone remains, based on the Lilja disclosure (see, e.g., page 5, lines 21-22, step e). Therefore, Lilja fails to teach or suggest the claimed defatting a rind using hot water or steam, as claimed.

Moreover, one of ordinary skill in the art would not refer to the hot water/slurry formation as a defatting step. Evidence of this is provided by Lilja, which discloses an optional defatting step, thereby establishing that the prior disclosed slurry forming step would not be considered a defatting step.

Furthermore, Lilja fails to teach or suggest a method for producing gelatin using rind as the starting material in a process which includes the recited processes of chopping or cutting the rind, defatting the rind using steam and/or hot water, hydrolyzing the defatted rind using an acid, neutralizing the hydrolyzed rind material and extracting a neutralized rind material with water to form gelatin. Novelty, in part, of the present method is an improved, higher producing yield and higher quality of gelatin, using rind as a starting material using the recited method. As the Examiner correctly points out in the Office Action on page 4, lines 10-15, Lilja fails to teach or suggest any difference in how its method would be applied to different collagen-containing materials, such as hides, splits, rinds, sinews, intestines, stomachs, connective tissue, and other connective-tissue material and different types of bone from animals. Accordingly, Lilja fails to in any way make obvious that the exclusive use of rind starting material using

SN 10/512,097

Responsive to Action  
dated 07/26/2006

the present method would result in a higher yield and higher quality of gelatin, as disclosed and claimed. Therefore, absent undue experimentation, Lilja fails to teach or suggest the present method, which is exclusively directed to producing gelatin from rind as the starting material.

Based on the foregoing, Applicant respectfully submits that claims 1-5 are not anticipated by Lilja.

Further, Applicant respectfully submits that claims 1-5 are not obvious by Lilja in view of Haack, as the combined teachings would lead one of ordinary skill in the art to use mechanical defatting, not hot water or steam, and, therefore, the combined teachings of Lilja and Haack fail to teach or suggest the claimed defatting a rind using steam or hot water. As discussed above with regard to the 35 U.S.C. § 102(b) rejection of the claims based on Lilja, Lilja fails to teach or suggest defatting, as would be understood by one of ordinary skill in the art, namely extraction of fat and its removal from the rind. Lilja fails to teach or suggest in any way that its 60-130°C slurry step is a defatting step and, in fact, teaches by negative implication that the slurry forming step is not a defatting step, as Lilja teaches an optional defatting step.

Moreover, the Lilja hot water slurry step is not a defatting step, in that Lilja clearly teaches that an optional defatting step is not critical (see Lilja, page 7, lines 9-12). Therefore, again, it is clear that the hot water slurry process is not a defatting step, contrary to the Examiner's allegation.

Furthermore, Lilja is completely silent with regard to any specific method one would use to defatten the collagen-containing material, which is well below that of the

SN 10/512,097

Responsive to Action  
dated 07/26/2006

present method. However, state of the art at the time of Lilja, and as taught by Haack, is to use a mechanical defatting process.

Lilja and Haack, individually or in combination with one another, fail to teach or suggest any alternative defatting method, other than the mechanical defatting. Furthermore, nowhere in Lilja or in Haack is there any teaching of any defatting process other than mechanical defatting.

Moreover, the present use of steam or hot water to defatten results in a superior yield, as previously discussed in the remarks sections of the prior amendments of November 9, 2005 and May 3, 2006, which state that the Haack process of forming gelatin from pork rinds which are defatted mechanically results in a defatted rind of about 60%.

If, *arguendo*, Lilja had defatted a rind, as Lilja states is an option, and as suggested by the Examiner citing Haack, using the Haack method, one would obtain a stable emulsion, greasy substance, which would be impossible to separate into gelatin and fat, and in no way suitable for the preparation of gelatin. The resulting emulsion would be very different from the material obtained by defatting using hot water and/or steam, in accordance with the presently claimed invention. Thus, Lilja's note on page 3, lines 3-5 "that hide and connective tissue...are otherwise treated in the same way as bone raw material" is unsupported and in no way enabling, as such treatment of a rind would result in the formation of an emulsion and a low yield of gelatin. Accordingly, Lilja, individually or in combination with Haack, fails to provide an enabling disclosure for how one would treat rind material which would result in the production of high quality gelatin, such as the gelatin which results from the present method.

SN 10/512,097

Responsive to Action  
dated 07/26/2006

Finally with regard to Lilja, although on page 7, lines 24-32, Lilja notes that a more extensive treatment gives a higher yield, but a lower quality, the present method results in both a higher yield and a better quality gelatin product, thus further distinguishing the present method from that taught by Lilja.

Based on the foregoing, Applicant respectfully submits that claims 1-5 are not anticipated by Lilja and are not obvious from Lilja in view of Haack.

Claim 6 was rejected under 35 U.S.C. § 112, first paragraph (written description), alleging that the specification, as filed, does not reasonably convey to one skilled in the relevant art that the inventor at the time the application was filed had possession of the claimed invention. The Examiner alleges that the specification does not disclose cutting or chopping a rind into pieces less than 1 mm. However, the Examiner notes that the specification states that the rind is sufficiently commuted, e.g., into pieces of 1 mm and the example on page 2 of the specification describes the rind cut into pieces of approximately 5 mm.

Contrary to the Examiner's rejection, the specification, as filed, fully supports claim 6, which recites cutting or chopping a rind into pieces not less than 1 mm. As the Examiner correctly notes, the specification teaches cutting a rind into 1 mm pieces and larger 5 mm pieces. Therefore, the specification fully supports claim 6, which recites pieces which are not less than 1 mm. Accordingly, one of ordinary skill in the art reading the present specification, which recites two specific examples, namely 1 mm and 5 mm pieces, would believe that the inventor at the time the application was filed intended and possessed the present method of claim 6 which recites cutting or chopping the rind into pieces not less than 1 mm.

SN 10/512,097

Responsive to Action  
dated 07/26/2006

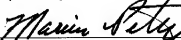
Moreover, the two examples of cut rind sizes teaches one of ordinary skill in the art that cutting the rind into sufficiently comminuted pieces includes cutting the rind into pieces which are not less than 1 mm, as illustrated by the two disclosed examples, namely 1 mm and 5 mm pieces.

Based on the foregoing, Applicant respectfully requests that the rejection to claim 6 under 35 U.S.C. § 112 be withdrawn. Further, Applicant respectfully submits that claim 6 is clear of the prior art, which fails to teach or suggest cutting a rind into pieces larger than 1 mm.

In view of the foregoing, Applicant respectfully submits that the present application is in condition for allowance.

Respectfully submitted,

Date: November 27, 2006

  
By: Marvin Petry  
Registration No.: 22,752

**STITES & HARBISON PLC** ♦ 1199 North Fairfax St. ♦ Suite 900 ♦ Alexandria, VA 22314  
TEL: 703-739-4900 ♦ FAX: 703-739-9577 ♦ CUSTOMER NO. 000881